



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.03.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.M.A.No.1322 of 2021

The Managing Director,  
Tamil Nadu State Transport Corporation,  
Salem Division II,  
Dharmapuri.

..Appellant

Vs.

1. Paramasivam

2. Perumal

3. Cholamandalam General Insurance Company Limited,  
Dharmapuri.

..Respondent

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the Judgment and Decree dated 26.04.2016 made in M.C.O.P.No.2244 of 2014 on the file of the Motor Accidents Claims Tribunal, Special Sub Court, Dharmapuri.

For Appellant : Mr.D.Venkatachalam

#### J U D G M E N T

The matter is heard through "Video Conferencing/Hybrid mode".

2.This Civil Miscellaneous Appeal has been filed challenging the quantum of compensation granted by the Tribunal in the award dated 26.04.2016 made in M.C.O.P.No.2244 of 2014 on the file of the Motor Accidents Claims Tribunal, Special Sub Court, Dharmapuri.

3.The appellant is the 1<sup>st</sup> respondent in M.C.O.P.No.2244 of 2014 on the file of the Motor Accidents Claims Tribunal, Special Sub Court, Dharmapuri. The 1<sup>st</sup> respondent filed the above said claim petition claiming a sum of Rs.15,00,000/- as compensation for the injuries sustained by him in the accident that took place on 22.08.2010.

4.According to 1<sup>st</sup> respondent, on 22.08.2010 at about 09.20 A.M., while the 1<sup>st</sup> respondent was proceeding in the share auto bearing Registration No.TN 29 AF 6442 on the extreme left side of the Pennagaram - Dharmapuri road near flour mill, the driver



of the bus bearing Registration No.TN 29 N 1470 belonging to appellant-Transport Corporation, who was driving the bus in the opposite direction, drove the same in a rash and negligent manner, dashed against the share auto and caused the accident. In the accident, the 1<sup>st</sup> respondent sustained head injury and haemorrhage on the brain and became unconscious. Immediately after the accident, the 1<sup>st</sup> respondent was taken to Government Medical College Hospital, Dharmapuri and admitted as inpatient. Thereafter he was shifted to SKS Hospital, Salem and underwent surgery and has taken treatment as inpatient from 22.08.2010 to 20.09.2010. Therefore, the 1<sup>st</sup> respondent filed the said claim petition claiming a sum of Rs.15,00,000/- as compensation for the injuries sustained by him against the appellant-Transport Corporation and the respondents 2 & 3, being the owner and insurer of the share auto respectively.

5.The Tribunal, considering the pleadings, oral and documentary evidence, held that the accident occurred only due to rash and negligent driving by the driver of the bus belonging to appellant-Transport Corporation and directed the appellant to pay a sum of Rs.1,86,000/- as compensation to the 1<sup>st</sup> respondent and dismissed the claim petition as against the respondents 2 & 3.

6.Questioning the quantum of compensation awarded by the Tribunal in the award dated 26.04.2016 made in M.C.O.P.No.2244 of 2014, the appellant-Transport Corporation has come out with the present appeal.

7.The learned counsel appearing for the appellant contended that respondent failed to prove his age, avocation and income. The Tribunal erred in awarding a sum of Rs.1,56,000/- towards medical bills without corroborating the bills produced under Ex.P4. The amounts awarded by the Tribunal under conventional heads are excessive and prayed for setting aside the award passed by the Tribunal.

8.Heard the learned counsel appearing for the appellant-Transport Corporation and perused the entire materials on record.

9.From the materials available on record, it is seen that it is the case of the respondent that in the accident he sustained abrasion over the left fore level, bilatered cerebeller hemorrhage, veruman haemorrhage and multiple injuries all over the body. To prove the nature of injuries and disability suffered by him, the respondent examined himself as P.W.1 and marked Ex.P2/wound certificate to that effect. Immediately after the accident, the 1<sup>st</sup> respondent was taken to Government Medical College Hospital, Dharmapuri and admitted as inpatient. Thereafter he was shifted to SKS Hospital, Salem, underwent



surgery and has taken treatment as inpatient from 22.08.2010 to 20.09.2010. To prove the period of treatment and medical expenses incurred by him, the 1<sup>st</sup> respondent marked Ex.P3/discharge summary and Ex.P4/medical bills. The Tribunal considering Ex.P4/medical bills awarded a sum of Rs.1,56,000/- and the same is proper. The Tribunal considering the nature of injuries, period of treatment taken and the surgery underwent by the 1<sup>st</sup> respondent, awarded a sum of Rs.30,000/- for pain and sufferings, extra nourishment and transportation and the same is not excessive warranting interference by this Court.

10. In the result, this Civil Miscellaneous Appeal is dismissed and a sum of Rs.1,86,000/- awarded by the Tribunal as compensation to the 1<sup>st</sup> respondent, along with interest and costs is confirmed. The appellant-Transport Corporation is directed to deposit the award amount along with interest and costs, less the amount if any already deposited, within a period of twelve weeks from the date of receipt of a copy of this judgment to the credit of M.C.O.P.No.2244 of 2014 on the file of the Motor Accidents Claims Tribunal, Special Sub Court, Dharmapuri. On such deposit, the 1<sup>st</sup> respondent is permitted to withdraw the award amount along with interest and costs, after adjusting the amount, if any already withdrawn, by filing necessary applications before the Tribunal. This Civil Miscellaneous Appeal is dismissed as against the respondents 2 & 3. No costs.

Sd/-  
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

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To

1. The Special Subordinate Judge,  
Motor Accidents Claims Tribunal,  
Dharmapuri.
2. The Section Officer,  
VR Section, High Court,  
Madras.

+lcc to Mr.D.Venkatachalam, Advocate, S.R.No.21099

C.M.A.No.1322 of 2021

AK-II(CO)  
RGA(12/11/2021)